

Attorney Docket No. P11258

REMARKS/ARGUMENTS**1.) Claim Amendments**

Claims 35, 39, 40, and 47 have been amended. Claims 1-14, 16-34, and 48-49 have been canceled, and claims 50-60 have been added. Accordingly, claims 15, 35-47, and 50-60 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner's Interview

In the Examiner's telephone interview conducted on April 13, 2004, the Applicant clarified distinct differences between the claimed invention and Ramakrishnan (US 5,974,028). In particular, the Applicant pointed out that Ramakrishnan only addresses the problem of packet loss. Ramakrishnan enables the user to identify whether a packet was lost due to congestion or due to a link error in the network, but does not teach or suggest any handling of packets that are not lost, but are merely delayed. ←

New claim 50 was extensively discussed. In the claimed invention, when an initial data unit is apparently lost, flow control parameters are adapted to implement a data unit loss response procedure. The apparently lost data unit is then retransmitted. At some later time, an acknowledgement data unit for the apparently lost data unit is received by the sender. The sender then determines from the acknowledgement data unit whether the correctly received data unit was the initial data unit or the retransmitted data unit. If it was the retransmitted data unit, the invention determines that it was correct when it implemented the data unit loss response procedure, and it continues to transmit subsequent data units in accordance with the data unit loss response procedure. However, if it was the initial data unit that was correctly received, the invention determines that it was incorrect when it implemented the data unit loss response procedure because the data unit was not lost, but was merely delayed. Therefore, the invention readapts the flow control parameters to implement an excessive delay response procedure.

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The analysis of the acknowledgement data unit to determine whether the correctly received data unit was the initial data unit or the retransmitted data unit, and the readaptation of the flow control parameters to implement an excessive delay response procedure (when the analysis indicates the data unit was merely delayed) are not taught or suggested by Ramakrishnan or any other known prior art.

3.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraphs 1-2 of the Advisory Action issued March 2, 2004, the Examiner rejected claims 1-3, 6-7, 9-13, 17-18 and 35-49 under 35 U.S.C. § 103(a) as being obvious over Applicant's Admitted Prior Art (hereinafter AAPA) in view of Ramakrishnan (US 5,974,028). Claims 1-3, 6-7, 9-13, 17-18, and 48-49 have been canceled. Claims 35-47 have been amended to clarify the differences from AAPA and Ramakrishnan, and to incorporate the limitations of new claim 50, as discussed in the telephone interview.

Independent claim 35 is an apparatus-type claim corresponding to method-type claim 50. As discussed above, AAPA and Ramakrishnan do not teach or suggest all the claim limitations of claim 35. In particular, the prior art fails to teach or suggest determining means for determining from the received acknowledgment data unit, whether the correctly received data unit was the (initial data unit or the retransmitted data unit.) In addition, the prior art fails to teach or suggest an excessive delay response mechanism for causing the flow-control adapting means to adapt the flow control parameters to transmit subsequent data units in accordance with an excessive delay response procedure, in response to a determination that the correctly received data unit was the initial data unit. Therefore, the allowance of claim 35 is respectfully requested.

Claims 36-47 depend from base claim 35 and recite further limitations in combination with the novel elements of claim 35. Therefore, the allowance of claims 36-47 is respectfully requested.

4.) New Claims 50-55

The Applicant contends that new claim 50 is allowable for the reasons discussed during the telephone interview and summarized above. Therefore, the allowance of claim 50 is respectfully requested.

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Claims 51-55 depend from base claim 50 and recite further limitations in combination with the novel elements of claim 50. Therefore, the allowance of claims 51-55 is respectfully requested.

5.) Allowable Subject Matter

The Applicant gratefully acknowledges the allowance of claim 15 in the Advisory Action.

6.) New Claims 56-60

The Applicant noted that the additional limitations recited in allowed claim 15 related to a specific methodology for determining whether a received acknowledgment data unit was associated with the initial data unit or the retransmitted data unit. Independent claims 56 and 57 have been added to recite two other alternative methods of making this determination. In claim 56, the determination is made by including a marker in retransmitted data units, and returning the marker in the acknowledgment data units for the retransmitted data units. The marker enables acknowledgments for initial data units to be distinguished from acknowledgments for retransmitted data units. In claim 57, the determination is made by including a first marker in initial data units and a second marker in retransmitted data units, and returning the appropriate marker in the acknowledgment data units. The first and second markers enable acknowledgments for initial data units to be distinguished from acknowledgments for retransmitted data units.

Claims 56 and 57 are otherwise identical to allowed claim 15. Basis for the marker(s) recited in claims 56 and 57 is found in the specification on page 14, second paragraph through page 15, first paragraph. Therefore, the allowance of claims 56 and 57 is respectfully requested.

Claims 58-59 depend from base claim 57 and recite further limitations in combination with the novel elements of claim 57. Therefore, the allowance of claims 58-59 is respectfully requested.

Independent claim 60 is essentially identical to claim 50 (which the Applicant contends is allowable for the reasons discussed during the telephone interview and summarized above) with the exception that claim 60 recites protocol peers rather than a

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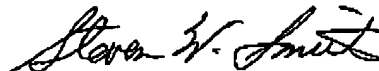
sender and a receiver. The Applicant contends that claim 60 is allowable for the same reasons discussed above for claim 50.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 15, 35-47, and 50-60.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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